

REMARKS

In accordance with 37 C.F.R. § 1.116(b), Applicant has amended claim 1 and earnestly requests entry of said amendment. While the amendment to claim 1 touches the merits of the application under examination, it is respectfully requested that the amendment be admitted as being necessary to place the case into condition for allowance and having not been earlier presented due to the Applicant's failure to appreciate the Office's broad reading of the applied prior art reference and, thus, the necessity of expressly stating the limitation that was brought to Applicant's attention in the Response to Argument section of the Final Action. Additionally, the amendment to claim 1 can be viewed as responding to a requirement of form expressly stated on page 6 of the Final Office Action wherein the Examiner noted that the feature upon which applicant relied in responding to the initial Office Action, was not recited in the rejected claims. Accordingly, pursuant to 37 C.F.R. § 1.116 (b)(1), this limitation has been included in amended claim 1 to render all of the rejected claims allowable in compliance with the noted requirement of form set forth in the Final Action.

The following is a brief summary of the Final Examiner's Action of November 16, 2005, and the references cited therein. Claims 1-27 were pending in the application. Claims 1-9, 14 and 20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Tameishi et al (U.S.P No. 6,497,692). Claims 10-13 and 15-19 were objected to as being based on a rejected claim. Claims 21-27 were allowed.

Applicant has amended claim 1 to address the explanation of how the Office is reading Tameishi et al and respectfully submits that claims 1-9, 14 and 20, as so amended, overcome the rejection for the reasons explained below.

In the Response to Argument section on page 6 of the Final Action, the Final Action explains that:

it is noted that the features upon which applicant relies (i.e., the garment facing side of the absorbent article is not disposed against the *main* wrapper sheet, as opposed to some extension or subcomponent (82) of the wrapping sheet are not recited in the rejected claim(s) * * * .

Specifically, the cover sheet (82) of Tameishi *et al.* is a part of wrapper sheet (80), and as shown in Figure 8, it may be integral with said wrapper sheet (80). Figure 5, *supra*, shows the garment when wrapped in the wrapper sheet (80), subportion or extension (82) of the wrapper sheet (80) wraps around an end of the garment and is attached to attachment substrate (74) on the garment facing side of the baffle (40).

In the prior Amendment, Applicant was relying on the fact that the claimed backing sheet faced the garment facing side (designated 40 in Tameishi et al) of the absorbent article and Tameishi et al's main wrapper sheet 80 did not face the garment facing side of the absorbent article. However, thanks to the above-quoted explanation in the Final Action, Applicant now understands that the Examiner's problem with claim 1 was that claim 1 didn't require the main wrapper sheet 80 (as opposed to some extension or subcomponent of the wrapping sheet 80 such as Tameishi et al's main fastener cover 82) to be disposed against or in opposition to the garment facing side of the absorbent article. Accordingly, Applicant has amended claim 1 to overcome this misunderstanding.

Thus, claim 1, as amended herein, now calls for a hook compatible backing sheet having a first surface that is disposed facing the garment facing side of the baffle and defining a first portion that is releasably attached to the baffle. The backing sheet further defines a second portion that extends from the first portion such that taken

together, the first and second portions that define the first surface, which is disposed to face the garment facing side of the baffle, extend to cover all of the garment facing side of the baffle. Tameishi et al's main fastener cover 82 clearly does not extend to cover all of the garment facing side of the baffle and therefore cannot satisfy this first surface aspect of the backing sheet that is required by claims 1-9, 14 and 20.

Applicant therefore respectfully submits that claims 1-9, 14 and 20, as presented herein, are patentable under 35 U.S.C. § 102(e) over Tameishi et al.


Claims 10-13 and 15-19 were rejected as being depended upon a rejected base claim, but were indicated to be allowable if this dependency were to be removed. Applicant therefore respectfully submits that since claim 1, as presented herein, is allowable, the grounds for this rejection have been removed.

With the present Amendment, applicant respectfully submits that all pending claims are allowable and that the application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at his convenience to resolve any remaining issues.

Respectfully submitted,

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